

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
April 2, 2015

Vice Chairman W. Krick called the meeting to order at 5:30 p.m.

ATTENDANCE: B. Turnquist, W. Krick, B. Arthur, E. Simmons, R. Mackie

ABSENT: G. Borgman, K. Kolberg

STAFF: H. Mitchell; K. Briggs, SAFEbuilt; J. Lewis, Public Safety Director, D. Renkenberger

OTHERS: R. Shefferly, 4024 Park East Ct, Grand Rapids; L. Jones, 1676 Pine St; B. Winters, 1953 Ray St; R. Mishra, 4537 Frontier Ave, Portage MI; H. Ferrari, 885 Fennwood Cir; S. Magalei, 4265 Grand Haven Rd; D. Medendorp, 4265 Grand Haven Rd; W. Hill, 1370 Sanford

Meeting Minutes:

A motion to approve the regular meeting minutes of February 5, 2015 was made by B. Turnquist, supported by E. Simmons and unanimously approved.

Old Business:

EN147359 – 2237 Vincent – Roger & Colleen Linstrom, 1257 E Wilke Rd, Rothbury, MI 49452. This case was tabled for 60 days at the February 2015 meeting to give the property owner/representative time to repair the damage caused by the tree falling on the house. The Attorney for Selene Finance, R. Shefferly, was directed to have the owner contact SAFEbuilt to have an interior Trades inspection done to determine the extent of any damage. The tree was removed right after the February meeting; however, no inspection was scheduled with SAFEbuilt until after they found that work had been completed without a permit. Updated photos were included with the board members' staff report. A permit was applied for on 3/25/2015, but had not been issued at the time of this report. Taxes on the property are up-to-date.

R. Shefferly requested that the board allow another 40 days to complete the required work. K. Briggs stated that the applicant had started work without permits and had used an unlicensed contractor. They would have to remove what had already been done and repair the property to code. He was not opposed to allowing 40 more days to get it completed.

A motion to allow the applicant an additional 40 days to get the required inspections and repairs completed to code on the house was made by B. Turnquist, supported by R. Mackie and unanimously approved.

EN130182 – 1780 Jarman – Linda Jones, 1676 Pine St., Muskegon, MI 49442. The original timeline approved at the 4/3/2014 meeting and an update from the owner from the 8/7/2014 meeting was provided to board members. The applicant had been allowed to continue working on the repairs and would not be required to return to the HBA, provided they stayed in contact with K. Briggs. A letter was sent to the property owner by SAFEbuilt's Permit Technician on 12/8/2014 informing them that permit PB140062 had expired, as had other permits. The letter asked the owner to contact SAFEbuilt in the next 10 days to schedule an inspection for those permits with no

contact with the owner to schedule the inspections. K. Briggs stated that he had no contact from the owner. However, permit PB140062 was updated on 3/19/2015. The permit had a note that the owner (Linda) spoke to Ron (SAFEbuilt) stating that they were not ready for the siding inspection, as they were waiting for the weather to break so they could finish. A list of the expired permits, notes and photos from 3/16/15 were provided. The 2014 taxes were delinquent to the County Treasurer.

L. Jones stated that she had spoken to the building inspector and planned to resume work once the weather allowed. W. Krick asked if she had set up an inspection appointment with SAFEbuilt. L. Jones stated that she had not. K. Briggs stated that she would have to set up an appointment to get the necessary permits and work out an updated timeline for the repairs. He directed Ms. Jones to provide to SAFEbuilt a list of work to be done, a timeline, and an estimate of repair costs within a week. B. Turnquist asked about the unpaid taxes. L. Jones stated that she had since paid them.

A motion to table this case until the next meeting to allow L. Jones to contact SAFEbuilt and provide the information requested was made by B. Arthur, supported by R. Mackie and unanimously approved.

EN110191 – 1357 7th St. – Julie Spencer, 1085 1st St. Apt. 2, Muskegon, MI 49440. On 8/1/2013 the owner had requested that the HBA remove the “dangerous building status” wording from the title of the property so that she could try to get help from different organizations to assist with rehab of the home. A permit to tear off and re-roof the home was obtained on 1/7/2013 and work was completed with the permit being finalized on 5/30/2013. Since then there had been two other permits obtained, with both permits being closed out due to work not being completed (this would include any inspections that are required throughout the work process). The 2014 Summer taxes were paid but the 2014 Winter taxes are delinquent. Permits previously issued are as follows: Permit PE130133 to upgrade electric service issued on 4/8/2013 with a SAFEbuilt inspector checking to see if any work had been done on 10/25/2013 & 3/25/2014 with no progress; permit was then closed on 3/25/2014. Permit PM130105 to replace the furnace was issued on 2/28/2013 with no work being completed; permit closed on 2/17/2014. Staff has had no contact from the owner. A letter regarding this meeting was sent via certified mail and a copy of it was mailed by first class mail. The certified mailings haven’t been signed for in the past.

The owner was not present at the meeting. W. Krick recalled that during the last contact with Ms. Spencer she was trying to obtain insurance on the structure. K. Briggs stated that it had been months since he last heard from her. He saw that the Dumpster had been removed from the property, but no other work had been done.

A motion to declare the structure substandard, dangerous and a public nuisance was made by R. Mackie, supported by E. Simmons and unanimously approved.

Dangerous Building – New Cases:

EN150188 – 1075 Washington – Bonatesta SPA LLC, 883 E Fennwood Cr, Muskegon, MI 49445. On 9/29/2014 there was a fire at this location. Notes from the fire report stated that the rear of the home was severely damaged. The house was a multiple-unit two-story wood frame apartment house. The second floor had electrical power but the first floor did not. It was believed to have had squatters living there illegally. After the fire, the owner did not contact the City to have a fire inspection performed. At the time of this staff report, there had been no inspections or permits applied for. The owner did come in to speak with staff on 3/26/15 and stated that he could not do any work or touch the property at this point because he was in the midst of bankruptcy.

proceedings. The agent for the bank had contacted staff and they could not complete their foreclosure process or do anything to the property due to the bankruptcy filing. There are no delinquent taxes.

H. Ferrari, property owner, was present at the meeting. He stated that he now had access to the property and had met with Chief Lewis on Tuesday. W. Krick asked if any permits for repairs had been obtained. K. Briggs stated that there had not been. K. Briggs explained that an inspection was needed so that a defect list could be prepared. SAFEbuilt would also need a timeline for repairs with estimated costs. He recommended that Mr. Ferrari return to the next HBA meeting to demonstrate that he had made progress on repairs. He stated that no work could be done to the house without permits first being obtained. H. Ferrari asked if that included having a Dumpster on site to clear debris. K. Briggs stated that was correct.

A motion to table this case until the next meeting to allow the property owner to have an inspection done and come up with the repair timeline and costs was made by R. Mackie, supported by E. Simmons and approved, with discussion continuing on the motion.

B. Turnquist asked about the squatters mentioned in the staff report. J. Lewis stated that the house was now boarded up and secure, with no one living there. He also stated that H. Ferrari must obtain a release stating that he was able to access the property. H. Ferrari stated that the court did not care at this point if he was on the property, as this property issue has an agreement that basically this had been resolved and he could enter the property. He stated that the house would become his primary residence once it was fixed. J. Lewis reiterated that he would need to see paperwork showing that he had rights to the property, and Mr. Ferrari should bring that to the next meeting. B. Arthur asked K. Briggs if he had been in the property. K. Briggs stated that he had not.

EN150272 – 1221 Sanford – Beverly Winters, 1953 Ray St., Muskegon, MI 49442. Staff has had no contact with the owner regarding this property. There had been no trades inspection scheduled nor any permits obtained. The 2013 and 2014 taxes are delinquent to the County Treasurer.

B. Winters attended the meeting. W. Krick asked her about the status of the property taxes. She stated that she had paid the 2013 taxes a few weeks ago but still owed 2014 taxes. She stated that she had been ill and on kidney dialysis for the past 5 years and had recently had a transplant. She had given the house to her sons while she was ill, and she now wished to repair the house. W. Krick asked if she had talked to SAFEbuilt yet. B. Winters stated that she had not. K. Briggs stated that SAFEbuilt would require an inspection to determine a list of defects and a timeline for repairing those defects, as well as cost estimates. He recommended having B. Winters get those things in place and return to the next meeting.

A motion to accept staff's recommendation to have Ms. Winters return to the next HBA meeting after having an inspection done and a timeline prepared for repairs with cost estimates was made by B. Arthur, supported by R. Mackie and unanimously approved.

EN150273 – 1280 Sanford – JM Diamond LLC, 13721 W 59th Ave, Arvada, CO 80004. Staff has had no contact from the owner in regards to scheduling a Trades inspection or obtaining any permits. The 2014 Summer taxes are paid but the 2014 Winter taxes are delinquent to the County Treasurer.

S. Magalei stated that he had recently purchased this property from the second County tax sale auction and intended to fix it up. He stated that he had an inspection done that morning and was scheduled for a mechanical inspection tomorrow. He stated that he and his company were committed to their properties in the area and wanted to bring them up to code. K. Briggs stated that

they could come up with a timeline for repairs as soon as the other inspection was done, and recommended that the new property owner be required to return before the HBA only if the timeline was not met. W. Krick asked K. Briggs if he was going to monitor that to make sure repairs were progressing as planned. K. Briggs stated that he would. B. Turnquist asked if the exterior wood was salvageable, as it appeared to be in bad shape, per the photos. S. Magalei stated that he had looked at the wood and it appeared to be in decent shape underneath the peeling paint. H. Mitchell stated that there could possibly be lead paint on the house. S. Magalei stated that he was aware of the possibility and would see that repairs were done right.

A motion to concur with K. Briggs' recommendation to allow Mr. Magalei to proceed with repairs to the house and to require him to come back to the HBA only if deemed necessary by Mr. Briggs, was made by B. Turnquist, supported by B. Arthur and unanimously approved.

EN150274 – 1302 Sanford – Family Garden LLC, 13650 172nd Ave, Grand Haven, MI 49417. The owner has not contacted SAFEbuilt to have a Trades inspection done or to obtain any permits. Kyle Doyon (property manager) did send staff an e-mail after receiving an automated e-mail alert when the enforcement for this dangerous building was entered in the system letting staff know the property had been sold. There are no delinquent taxes.

R. Mishra stated that he purchased this property on March 19 from Family Garden LLC. He owned several properties in other cities and planned to fix this one up. He stated that he had an appointment with K. Briggs the next day to have an inspection. He had obtained insurance on the property and would come up with a timeline for repairs once the inspections were completed. K. Briggs stated that an inspection should have been done before the meeting. He asked R. Mishra if he was prepared to address any structural damage that may be present. R. Mishra stated that he knew the house needed a lot of work but he had a very competent staff and was prepared to do any repairs needed. K. Briggs asked if he would be able to set a reasonable timeline to have the repairs completed. R. Mishra stated that he would seek an extension if he was running behind on the timeline. W. Krick stated that, because this was in a designated blight fight area, he would need to make steady progress on the repairs, and an extension may not be possible. R. Mishra stated that he hoped to have the repairs completed by September. K. Briggs stated that, after the inspection tomorrow, they would have a defect list and would need to come up with a timeline for repairs and estimated costs. He recommended that R. Mishra come back to the HBA meeting next month to make sure he had everything in place. R. Mishra stated that he did walk through the house and was confident that his crew could do the necessary repairs. J. Lewis stated recommended that R. Mishra return to the HBA next month with a progress report showing a timeline and with cost estimates and that staff would expect the work to be completed by September.

A motion to concur with staff's recommendation to have R. Mishra return to the HBA's next meeting with a progress report showing a timeline and with cost estimates, with the expectation that the work will be completed by September 2015 was made by B. Arthur, supported by E. Simmons and unanimously approved.

EN150275 – 1370 Sanford – Willie Hill Jr., P.O. Box 4056, Muskegon, MI 49444. Mr. Hill had contacted SAFEbuilt and scheduled an inspection with K. Briggs for 3/20/2015. The owner did not show up for the appointment so Kirk did an inspection of the exterior while he was there. He provided a list of defects based on that. Part of the 2014 Summer and all of 2014 Winter taxes are unpaid.

D. Medendorp spoke on behalf of Mr. Hill. He sold the property to Mr. Hill, who planned to fix it up. He was not aware of it being in a blight fight area, but he was willing to do the exterior repairs first

to improve the appearance of the outside. He stated that Mr. Hill would get an inspection scheduled later this month. W. Krick pointed out that there was an inspection previously scheduled but Mr. Hill was a no-show. K. Briggs stated that he had looked around the exterior of the house while he was there and he was not sure that it was financially feasible to fix the house, given all the major defects; however, he was willing to go out for another inspection. Then, once a defect list was created, Mr. Hill would have to come up with a timeline for repairs and an estimate of costs. Mr. Hill agreed to do that. K. Briggs recommended that Mr. Hill return to the HBA at the next meeting after obtaining insurance on the home and preparing the timeline and cost estimates. J. Lewis asked if taxes were still owed. W. Hill stated that he paid those. J. Lewis asked Mr. Hill to bring proof of insurance for the home to the next meeting also.

A motion to follow staff recommendation to have Mr. Hill return to the next HBA meeting and bring proof of insurance for the home, a list of defects from SAFEbuilt, a timeline to repair the defects, and an estimate of costs, was made by B. Arthur, supported by E. Simmons and unanimously approved.

Other:

H. Mitchell provided a list of board-ups to the members. J. Lewis stated that there was a new company that was doing board-ups due to fire damage at no cost to the City.

There being no further business, the meeting was adjourned at 6:21 p.m.